

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012100906

ORDER GRANTING DISTRICT'S
REQUEST FOR A 30 DAY
CONTINUANCE AND SETTING
PHC/HRG

On November 28, 2013, the District filed a request to continue the prehearing conference and hearing to dates approximately 30 days later. The reason given was that as scheduled, the hearing would take place during District winter recess, which would make it difficult for the District to produce its employee witnesses. No opposition to the motion was received from Student.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. Although the reason given by District would not necessarily be good cause for a long continuance, such as over the entire summer, the District's request is for a very short time, and will result in a delay of only 30 days. Conducting the hearing when District employees are at work is more efficient, and reduces the need for subpoenas. Accordingly, the District has shown good cause for the requested continuance. District is expected to produce all employees on Student's and District's witness list without need for a subpoena when the hearing commences. This matter will be set as follows:

Mediation:	Not requested.
Prehearing Conference:	January 7, 2013 at 1:30 PM
Due Process Hearing:	January 15-16, 2013 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 05, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings